



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 14 2009

REPLY TO THE ATTENTION OF: L-8J

VIA E-MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7001 0320 0006 0192 8269

Mr. Jeroen Winterink
Conestoga-Rovers & Associates
9033 Meridian Way
West Chester, Ohio 45069

RE: Approval with Conditions for Risk-Based Cleanup and Disposal of PCBs
City Scrap and Salvage Company, Akron, Ohio

Dear Mr. Winterink:

The U.S. Environmental Protection Agency approves the application submitted by Conestoga-Rovers & Associates on August 3, 2009, and revised Figures 4a and 4b of the application e-mailed on August 5, 2009, to cleanup and dispose of polychlorinated biphenyls (PCBs) at the City Scrap and Salvage Company (CSSC) facility located at 611 W. Wilbeth Road in Akron, Ohio.

This Approval allows the cleanup and disposal of PCB remediation waste consisting of surface soil and concrete which was characterized as containing PCBs greater than 1 but less than 100 parts per million (ppm). PCB remediation waste found on-site that contains greater than 10 ppm PCBs will be excavated and disposed off-site. PCB remediation waste found on-site that contains less than 10 ppm but greater than 1 ppm PCBs will either be excavated and disposed off-site or disposed on-site under a minimum 9" concrete cover. All PCB remediation waste located off-site at the perimeter of CSSC property containing greater than 1 ppm PCBs will be excavated and disposed off-site.

This Approval is granted in accordance with 40 C.F.R. § 761.61(c) under which the Regional Administrator may approve a method to sample, cleanup, or dispose of PCB remediation waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment. The authority to grant such approvals in Region 5 has been delegated to the Land and Chemicals Division Director.


EPA grants this Approval based on our finding that the cleanup of PCB remediation waste at and in the vicinity of the CSSC facility and its off-site disposal, in compliance with the terms and enclosed conditions of this letter, does not pose an unreasonable risk of injury to health or the environment. This Approval is effective as of the date of this letter.

CSSC must complete the risk-based cleanup and disposal in accordance with the approved August 3, 2009, application, revised Figures 4a and 4b of the application, and enclosed conditions of approval. If CSSC deviates from the terms and enclosed conditions of this letter without prior written approval of EPA, it may result in the immediate suspension of this Approval, the commencement of proceedings to revoke this Approval, and/or an enforcement action. In addition, this Approval may be suspended or revoked at any time if EPA has reason to believe that the continued cleanup and off-site disposal of PCB remediation waste from the CSSC presents an unreasonable risk to human health or the environment.

This Approval does not relieve CSSC from the responsibility to comply with all applicable provisions of TSCA and the federal PCB regulations or any other applicable, federal, state or local regulations or permits. This Approval does not preclude EPA from initiating an enforcement action, including seeking civil penalties, for violations of TSCA and the federal PCB regulations.

If you have any questions, please contact Ken Bardo of my staff at 312-886-7566.

Sincerely,


for Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

ENCLOSURE

Conditions of Approval City Scrap and Salvage Company 611 W. Wilbeth Road, Akron, Ohio

A. Authorized Remedial Action

City Scrap and Salvage Company (CSSC) is authorized to cleanup and dispose of PCBs at its facility located at 611 W. Wilbeth Road in Akron, Ohio according to the Conditions of Approval described below, and the application for risk-based disposal submitted by Conestoga-Rovers & Associates on August 3, 2009, and revised Figures 4a and 4b of the application submitted on August 5, 2009. In the event that the Conditions of Approval are inconsistent with the procedures described in the application for risk-based disposal, CSSC must abide by the Conditions of Approval.

B. PCB Remediation

1. PCB-contaminated soil must be cleaned up to the remediation levels specified in the application for risk-based disposal as summarized and modified below:

a. For the area to be remediated at and in the vicinity of the Shredder Building where a minimum 9" concrete cover will be placed after excavation of PCB-contaminated soil and concrete (see attached Figures 4a and 4b), all post-removal verification samples of soil and concrete from the excavation floors and sidewalls must contain <10 ppm total PCBs.

b. For the area to be partially remediated at and west of the Shredder Building that is not to be covered with a minimum 9" concrete cover (see attached Figure 4a), all post-removal verification samples of soil from the excavation floors and sidewalls in the remediated area must contain <10 ppm total PCBs and the average concentration of total PCBs in surface soil (0 - 2') in the unremediated area (i.e., historical data and post-removal verification samples) is ≤ 1 ppm total PCBs.

c. For the area to be partially remediated east of the Shredder Building that is not to be covered with a minimum 9" concrete cover (see attached Figures 4b and 4c), all post-removal verification samples of soil from the excavation floors and sidewalls must contain <10 ppm total PCBs and the average concentration of total PCBs in surface soil (0 - 2') in the unremediated area (i.e., historical data and post-removal verification samples) is ≤ 1 ppm total PCBs.

d. For all off-site areas to be remediated to the north in the vicinity of the CSX railroad tracks and to the south in the vicinity of Flora Avenue, all post-removal

verification samples of soil from the excavation floors and sidewalls must contain ≤ 1 ppm total PCBs.

2. In Figure 4b of the application for risk-based disposal, the large excavation at the north property boundary must be extended approximately 5-feet to the south so that the excavation of soil includes sample locations B-464 and B-469, prior to conducting post-removal verification sampling.

3. In Figure 4b of the application for risk-based disposal, conduct a minimum 10-foot by 10-foot excavation of PCB-contaminated soil and post-removal verification sampling at sample location B-259.

4. For proposed additional shallow soil sample locations B-805 to B-815 (see attached Figure 4a), samples will be collected at the time of mobilization. The data will be used to determine and adjust the extent of the excavations, as necessary, to ensure that all soil containing ≥ 10 ppm total PCBs is excavated and disposed off-site.

C. Disposal of Remediation Waste

Materials contaminated with PCBs must be disposed of off-site as a regulated PCB waste or in accordance with the off-site disposal guidelines specified in the application for risk-based disposal which are consistent with and considered as disposal of PCB remediation waste found at 40 C.F.R. § 761.61(a). The historical in-situ sampling that has been conducted or proposed in the application for risk-based disposal may be used to characterize the materials for off-site disposal

All equipment that comes in contact with the PCB remediation waste must be decontaminated following the procedures found at 40 C.F.R. § 761.79(b) or (c).

D. Inspection and Maintenance

The minimum 9" concrete cover to be placed in the vicinity of the Shredder Building must be inspected at least once per year for evidence of cracks, settlement, or other effects that could impair the integrity of the cap and allow for human exposure to underlying soil contaminated with total PCBs > 1 ppm. Repairs shall begin within 72 hours of discovery for any breaches which would impair the integrity of the cap and potentially pose a risk to workers.

E. Well Abandonment

When determined by CSSC to be no longer necessary, monitoring wells MW-103, MW-104, MW-205, and MW-206 shall be abandoned and properly sealed in accordance with Ohio Administrative Code 3701-28-07.

F. Property Use and Restrictions

Within 45 days of completing the remediation required under this conditional approval, CSSC must record, in accordance with State law, a notation on the deed to the property or on some other instrument which is normally examined during a title search, that will in perpetuity notify any potential purchaser of the property:

1. that the land has been used for PCB remediation waste disposal.
2. of the existence of the concrete cover and the requirement to maintain the concrete cover.
3. of the existence of the fence and the requirement to maintain the fence and keep the gates locked.
4. of the applicable cleanup levels left at the facility, both inside the fence and under the concrete cover.
5. of the land use restrictions for industrial and commercial purposes only.

G. Remediation Complete Report

Within 60 days of completing the remediation under this conditional approval, CSSC must submit to EPA:

1. an analysis of post-removal verification sample results and demonstration that the areas on the property not covered with concrete have average total PCB concentrations remaining in surface soil <1 ppm, and the area covered with concrete has total PCB concentrations remaining in surface soil <10 ppm.
2. a description of the final specifications of the concrete cover, including a map showing its exact location.
3. a summary of the off-site disposal activities.
4. a discussion of the implementation of any EPA-approved modifications to this conditional approval.
5. a certification, signed by the owner, that it has recorded the notation on the deed for property use and restrictions.

H. Change of Ownership

CSSC must notify EPA within 20 working days of any conveyance of ownership or responsibility of the facility property. Such notice must include the date of the intended conveyance, and the name, address, and phone number of the intended new owner or responsible person. If the conveyance is being made to a corporate entity, this notice must also include the name of a contact person.

At least 10 working days before such conveyance, CSSC must submit to EPA a notarized affidavit signed by the intended new owner or responsible person that states that such person is

aware of and shall abide by the provisions of the risk-based disposal conditional approval granted to CSSC for this facility.